

MANUEL D'UTILISATION



Religion

Economics
Finance

Political Science
Philosophy

Oxford
Scholarship
Online

www.oxfordscholarship.com



Contenus

Livres électroniques avec recherche croisée: monographies récentes

- Littérature
- Histoire
- Etudes classiques
- Philosophie
- Linguistique
- Musique
- Religion
- Psychologie
- Sciences Politiques
- Economie & Finance
- Commerce & Management
- Droit
- Travail Social
- Physique, Mathématiques et Biologie



Contenus

Nombre de titres par sujet (mise à jour janvier 2009):

Discipline	No de titres
Economie & Finance	294
Sciences Politiques	342
Commerce & Management	61
Physique	67
Mathématiques	54
Biologie	77
Religion	473
Philosophie	602
Etudes classiques	75
Linguistique	57
Musique	42
Histoire	104
Littérature	86
Psychologie	63
Travail Social	42
Droit	118

Les contenus sont mis à jour 3 fois par an; consultez la page principale pour la liste complète des ressources:
<http://www.oxfordscholarship.com/>

Total à ce jour: 2557

Subject Index

Click on a link below to browse our titles by subject:

Biology

You have access to the full text of items in this subject collection

Business and Management

You have access to the full text of items in this subject collection

Classical Studies

You have access to the full text of items in this subject collection

Economics and Finance

You have access to the full text of items in this subject collection

History

You have access to the full text of items in this subject collection

Law

You have access to the full text of items in this subject collection

Linguistics

You have access to the full text of items in this subject collection

Literature

You have access to the full text of items in this subject collection

Mathematics

You have access to the full text of items in this subject collection

Music

You have access to the full text of items in this subject collection

Philosophy

Cliquez sur 'SUBJECTS' pour déterminer à quels modules votre institution a accès

Quick Search

[Advanced Search](#)

Subject Home Pages

[Biology](#)
[Business and Management](#)
[Classical Studies](#)
[Economics and Finance](#)
[History](#)
[Law](#)
[Linguistics](#)
[Literature](#)
[Mathematics](#)
[Music](#)
[Philosophy](#)
[Physics](#)
[Political Science](#)
[Psychology](#)
[Religion](#)
[Social Work](#)

[Printer Friendly](#)

SUBSCRIBER

Oxford University Press
- Main Accnt

OXFORD
UNIVERSITY PRESS

[Access Rights](#)

Rendez-vous aux pages principales par sujet pour trouver les listes des sous-disciplines

[Home](#) > [Subject index](#) > [History](#)

History

You have access to the full text of items in this subject collection

Oxford Scholarship Online's History collection reflects the unparalleled breadth and depth of the Oxford list, encompassing work at the cusp of late antiquity and the early middle ages right through to the latter decades of the twentieth century, and ranging from the most focused regional histories to the broadest transnational studies. From David d'Avray on medieval marriage to Selina Todd on young women and work in the early 1900s, from John Davis on Napoleonic Italy to David French's prize-winning work on the British army, subscribers will have access to a wide range of classic titles.

See **What's New** in Oxford Scholarship Online from the **January 2009 content update**.

Tip: Oxford Scholarship Online has been designed so that all users can view book and chapter abstracts freely. Subscribers will be able to view full text.

[American History: early to 18th Century](#)
[American History: 19th Century](#)
[American History: 20th Century](#)
[British Early Modern History](#)
[British Medieval History](#)
[British Modern History](#)
[Cultural History](#)
[Economic History](#)
[European Early Modern History](#)
[European Medieval History](#)
[European Modern History](#)
[History of Ideas](#)
[History of Science, Technology, and Medicine](#)
[Military History](#)
[Social History](#)

Recent additions in History include:

[Atlantic Families](#)

[Beyond the Medieval Village](#)

[Catholic Belfast and Nationalist Ireland in the Era of Joe Devlin, 1871-1934](#)



Nouveautés dans la discipline

Les images de ces couvertures ont des liens vers de nouveaux titres-clés

See **What's New in History** for a complete list of recent additions.

Liste complète des titres en format pdf ou xls

Additional Resources



[Complete list of books in the History Collection \(PDF\)](#)



[Complete list of books in OSO - Authors/Titles/ISBNs/Subjects/URLs \(Microsoft™ Excel format\)](#)

[OSO EMAIL NEWS](#) - new title information and functionality updates

[Institutional Free Trials](#) - online form

[NEW Recommend to your Librarian](#) - online form

[Subscribe](#) to Oxford Scholarship Online - online form

[NEW Tutorial](#) - online step-by-step guide



Caractéristiques

Conçu pour faire avancer la recherche:

- Recherche complète sur le texte integral
- Liens de référence vers les catalogues de bibliothèques et les periodiques en ligne
- **Resumés** pour chaque livre et chaque chapitre
- Export des **citations**
- Bouton 'impression facile'
- Recherche rapide & avancée



Cours - TD

DOIs aussi bien au niveau du titre que celui du livre

Les chargés de cours peuvent ajouter les urls du livre ou chapitre à leurs cours et listes de lecture, en utilisant le préfixe du DOI pour créer une référence pérenne.

Exemple:

-Ajoutez le numéro doi à partir du titre d'un livre ou du bas de page au préfixe du doi:

<http://dx.doi.org/10.1093/0199276641.003.0001>

Recherche rapide

OXFORD
scholarshiponline

AAA | About OSO | What's New | Subscriber Services | Help | Contact Us | LOG OUT

TITLES | SUBJECTS | AUTHORS

Home >

Quick Search
renaissance
Search
▶ **Advanced Search**

Subject Home Pages
Biology
Business and Management
Classical Studies
Economics and Finance
History
Law
Linguistics
Literature
Mathematics
Music
Philosophy
Physics
Political Science
Psychology
Religion
Social Work
Printer Friendly

SUBSCRIBER
Oxford University Press
- Main Acct
OXFORD
UNIVERSITY PRESS
▶ **Access Rights**

Welcome to Oxford Scholarship Online
"a must-have online resource"
- Library Journal's netConnect

Oxford Scholarship Online is a vast and rapidly expanding cross-searchable library which now offers quick and easy access to the full text of 2,557 Oxford books.

In addition to **Economics and Finance, Philosophy, Political Science, and Religion**, Oxford Scholarship Online now provides access to new Oxford books in **Biology, Business and Management, Classical Studies, History, Law, Linguistics, Literature, Mathematics, Music, Physics, and Psychology and Social Work**.

Specially-commissioned abstracts and keywords are available at book and chapter level (free to non-subscribed users), and at least 400 new and recently-published books are added each year.

Latest News: January, 2009

Oxford University Press adds new Law and Social Work collections to Oxford Scholarship Online in the January 2009 update
▶ Visit the Law homepage here
▶ Visit the Social Work homepage here

Oxford University Press adds 301 additional titles to Oxford Scholarship Online in the January 2009 update
▶ See the What's New page for more details

Oxford Scholarship Online wins 'Best Interface' in the Charleston Advisor Seventh Annual Readers' Choice Awards (November, 2007)
▶ Click here for further details
▶ Visit [What's New](#) for the latest news and title information

▶ See the redesigned [online tutorial](#) to find out more...

Recherche à partir de la page principale

Nouveautés

Exclusive to users at institutions who have purchased or subscribe to Oxford Scholarship Online:

- Access to the full text of 2,557 titles in Oxford Scholarship Online
- Advanced Search — search by author, title, full text, abstract, keyword, subject, publication date, and more
- COUNTER-compliant statistics are now available, following the Code of Practice for Books and Reference Works
- Reference linking from bibliographies and footnotes, including OpenURL and DOI-linking support
- Link direct to individual books and chapters
- Printer-friendly format
- Automatically export citations to RefWorks™, as well as Endnote™, Reference Manager™ and ProCite™

▶ Add the Oxford Scholarship Online search box to your own site! [Click here](#) to find out more...

Les pages principales par sujet montrent les listes de titres par sous-discipline

OXFORD
scholarshiponline

Affichage des
resultats de la
recherche

Search Results

Results: Searched all subjects with quick search text **renaissance**, 79 books found , 73 chapters found

Page: 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 next >

Result Page 1 of 11

 E-mail

Sort by: ☒ relevance ☐ title ☐ author ☐ publication date

Tri par date de
publication – les plus
récentes en premier

▶ **1. The Emergence of a Scientific Culture - Science and the Shaping of Modernity 1210-1685**

Gaukroger, Stephen

Subject: Philosophy, 2006

3. Renaissance Natural Philosophies

ABSTRACT

FULL TEXT

▶ **2. Women Latin Poets - Language, Gender, and Authority from Antiquity to the Eighteenth Century**

Stevenson, Jane

Subject: Literature, 2005

6.. Italy: Renaissance Women Scholars

ABSTRACT

FULL TEXT

▶ **3. Shakespeare and the Origins of English**

Rhodes, Neil

Subject: Literature, 2004

1. Renaissance Articulations

ABSTRACT

FULL TEXT

▶ **4. The Reception and Performance of Euripides' Herakles - Reasoning Madness**

Riley, Kathleen

Subject: Classics, 2008

3. A peculiar compound: Hercules as Renaissance man

ABSTRACT

FULL TEXT

Faites défiler
pour plus de
resultats



Restreignez la
recherche à
partir de la
liste de
resultats

Quick Search

Search

▶ Advanced Search

Search Within Results

Search

 Printer Friendly

SUBSCRIBER

Oxford University Press
- Main Account



▶ Access Rights

I. Renaissance Articulations

ABSTRACT ONLY

WHY NO FULL-TEXT ACCESS?

▶ **4. The Reception and Performance of Euripides' Herakles** - Reasoning Madness

Riley, Kathleen

Subject: Classics, 2008

3. A peculiar compound: Hercules as Renaissance man

ABSTRACT ONLY

WHY NO FULL-TEXT ACCESS?

N.B. S'il n'y pas d'accès au texte intégral, c'est que votre bibliothèque n'est pas abonnée à ce module – vous pouvez recommander un test à votre bibliothécaire.

▶ **5. Guardians of Republicanism** - The Valori Family in the Florentine Renaissance

Jurdjevic, Mark

Subject: History, 2008

Introduction: The Valori Family in the Florentine Renaissance

ABSTRACT ONLY

WHY NO FULL-TEXT ACCESS?

▶ **6. The Protean Ass** - The Metamorphoses of Apuleius from Antiquity to the Renaissance

Carver, Robert H. F.

Subject: Classics, 2007

6. The Academical Ass: Apuleius and the Northern Renaissance

ABSTRACT ONLY

WHY NO FULL-TEXT ACCESS?

▶ **7. The Triumph of the Cross** - The Passion of Christ in Theology and the Arts from the Renaissance to the Counter-Reformation

Viladesau, Richard

Subject: Religion, 2008

1. The Cross in Early Renaissance Theology and Art

ABSTRACT ONLY

WHY NO FULL-TEXT ACCESS?

▶ **8. Guardians of Republicanism** - The Valori Family in the Florentine Renaissance

Jurdjevic, Mark

Subject: History, 2008

ABSTRACT ONLY

WHY NO FULL-TEXT ACCESS?

▶ **9. Medieval Lucca** - And the Evolution of the Renaissance State

Bratchel, M. E.

Subject: History, 2008

ABSTRACT ONLY

WHY NO FULL-TEXT ACCESS?

▶ **10. The Invention of Suspicion** - Law and Mimesis in Shakespeare and Renaissance Drama

Hutson, Lorna

Subject: Literature, 2007

2. Rethinking Foucault: The Juridical Epistemology of English Renaissance Drama

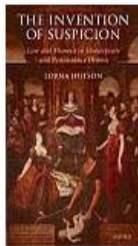
ABSTRACT ONLY

WHY NO FULL-TEXT ACCESS?

Cliquez sur un titre pour accéder à un livre, ou choisissez un chapitre parmi les résultats de la recherche

Résumé et Table des matières

▼ show abstracts



The Invention of Suspicion [Find It!](#)

Law and Mimesis in Shakespeare and Renaissance Drama

Hutson, Lorna , Berry Professor of English Literature, University of St Andrews

Print publication date: 2007

Published to Oxford Scholarship Online: January 2008

Print ISBN-13: 978-0-19-921243-9

doi:10.1093/acprof:oso/9780199212439.001.0001

Abstract: This book proposes that certain qualities for which English Renaissance drama is famous, such as what Dryden called its 'variety and greatness of characters' and its 'copiousness and well-knitting of intrigue', may be in part attributable to the close relationship in this period between developments in English legal culture and those in dramatic writing. The book shows how the English justice system underwent changes in the 16th century that, because of the system's participatory nature, had a widespread effect. These changes gradually made evidence evaluation a popular skill: justices of peace and juries were increasingly required to weigh up the probabilities of competing narratives of facts. At the same time, English dramatists were absorbing, from Latin legal rhetoric and from Latin comedy, poetic strategies that enabled them to make their plays more persuasively realistic, more 'probable'. The result of this enormously rich conjunction of popular legal culture and ancient forensic rhetoric was a drama in which dramatis personae habitually gather evidence and 'invent' arguments of suspicion and conjecture about one another, thus prompting us, as readers and audience, to reconstruct this 'evidence' as stories of characters' private histories and inner lives. In this drama, people act in uncertainty, inferring one another's motives and testing evidence for their conclusions. This book thus provides an account of the transformation from allegorical to mimetic modes of drama that associates the latter with the gradual shift, in the judicial sphere, from penitential to evidential models of justice.

Keywords: [character](#), [evidence](#), [justice of peace](#), [jury](#), [narrative](#), [narratio](#), [forensic rhetoric](#), [Jonson](#)



Table of Contents

Table des matières

Introduction

[FULL TEXT](#)

1. From Penitence to Evidence: Drama and the Legal Reformation

[ABSTRACT](#)

[FULL TEXT](#)

2. Rethinking Foucault: The Juridical Epistemology of English Renaissance Drama

[ABSTRACT](#)

[FULL TEXT](#)

3. Judicial Narrative and Dramatic Mimesis

Les mots-clés vous conduisent à de nouveaux résultats de recherche

Résumé au niveau du livre ainsi qu'au niveau du chapitre

Naviguez le contenu par chapitre

Quick Search

- ☒ search entire site
☐ search this title only

Search

- ▶ Advanced Search
▶ Cross-Reference
▶ Bibliography Search

Contents

Full Book Contents

Introduction

- 1 From Penitence to Evidence: Drama and the Legal Reformation
2 Rethinking Foucault: The Juridical Epistemology of English Renaissance Drama
3 Judicial Narrative and Dramatic Mimesis

- ▶ Citation Export
View other titles in:
▶ Shakespeare Studies
▶ Printer Friendly

SUBSCRIBER

Oxford University Press - Main Acct

OXFORD
UNIVERSITY PRESS

▶ Access Rights

◀ Back to Search Results

Home > Subject index > Literature > Table of contents

Subject: Literature Book Title: The Invention of Suspicion > pp. [1]-[5]

Printer Friendly

go to page GO ◀ previous | next ▶

Impression facile

Texte intégral du livre

Introduction

Lorna Hutson

▼ show abstracts and keywords

This book argues that important changes took place in the rhetoric of dramatic narrative—or the way of telling a story on-stage—in late sixteenth-century England that corresponded closely to developments in popular legal culture. My title, *The Invention of Suspicion*, fuses the terminology of law and of rhetoric in a way that encapsulates this argument. In sixteenth-century England, the word 'invention' did not have, as its primary meaning, the currently dominant sense of originating a new technology, or a new method of doing something ('inventing television', for example). Rather, it was a rhetorical term referring to the processing of 'finding' (the word comes from the Latin *invenire*, 'to find') the most appropriate arguments, figures of speech, and topics to use in a particular kind of oration, or persuasive discourse. Cicero's *De inventione* ('On Invention') accordingly explained this part of rhetoric: how to find arguments. As such, it was (as most histories of Renaissance rhetoric inform us) one of the most important texts in the basic rhetorical curriculum of the schools and academies in the first age of print. What those histories tend not to explain, though, is that *De inventione*, like another enormously important Latin treatise on rhetoric, Quintilian's *Institutio oratoria* ('Institutes of the Orator') was concerned with judicial, or forensic, oratory: that is to say, these books were designed to teach lawyers how to find arguments to prove the likely innocence or guilt of a defendant in a particular case. In learning even elementary lessons in grammar and composition, then, sixteenth-century writers inevitably absorbed ways of thinking about proof and evidence, for, as Richard Hooker said when setting out to use forensic rhetoric to investigate the question of church government, 'that judicall method. . . serveth best for the invention of truth'.¹

end p.1

'Suspicion' was both a long-established technical term in English common law, and a quasi-technical term in rhetorical treatises such as Cicero's *De inventione* (though to put the relationship that way is to reverse its chronology, since the concept of suspicion as it was used in the sixteenth century was derived via medieval canon law). In 1360–1, English Justices of the Peace were given power by statute to 'arrest' suspects. Statutes passed in 1554 and 1555 forced a transformative refinement in the older legal concept by requiring Justices of the Peace to be arrested to record the grounds on which they decided to detain a suspect in prison or, alternatively, to find ways of weighing likelihoods applicable to all kinds of cases.³ They had to find, of arguments of suspicion: to do so, they turned, just as poets, dramatists, and other writers were doing, to learn a lesson in rhetoric, especially Cicero.

My argument is that these very rhetorical techniques for evaluating probabilities and likelihoods in legal narratives were perceived by dramatists in the London of the late 1580s and 1590s to be indispensable for their purposes in bringing a new liveliness and power to the fictions they were writing for the stage. In arguing thus, I am not proposing a return to the kind of evolutionary literary-historical narrative standard in textbooks, whereby the primitive skills of playwrights up to the early 1580s are transformed into modern ones. My argument assumes that the natural inevitability of ideas like sequential and circumstantial coherence is what I will show were among the far from inevitable new products of the transformation of the late sixteenth century. I myself admits that 'something changed in the mid- to late 1580s' with the plays of Marlowe and Kyd.⁴ My contribution to the story of what did change focuses more on Kyd, as an innovator in plot making, than on Marlowe's mighty line. Nor is it an evolutionary narrative, as it argues strongly for the decisive influence of

Cliquez sur les numéros de notes de bas de page pour en lire le contenu

Export des citations avec RefWorks, EndNote, ProCite et Reference Manager

Lorna Hutson

Cliquez pour voir les
résumés et mots-clés

▼ show abstracts and keywords

Beyond Spectacle Versus Discipline

For the whole of the first chapter, nothing was said about Michel Foucault's highly influential genealogy of modern Western discipline as part of a single 'epistemological-juridical formation'. ¹ Foucault saw Western humanism, with its development of analytical discourses for the construction and exploration of 'psyche, subjectivity, personality, consciousness etc.', as the direct legacy of the early modern state's appropriation, for the purposes of the criminal prosecution by which it legitimized itself, of investigatory techniques and anathematic rituals developed by the medieval Church for the production of the soul. The soul, he wrote, 'is the element in which are articulated the effects of a certain type of power and the reference to a certain type of knowledge' as well as 'the machinery by which the power relations give rise to a possible corpus of knowledge'. ²

² Ibid. 29.

Later, in a pair of lectures on the 'hermeneutics of the self', Foucault defined as a subset of the state's 'techniques of domination' over individuals a particular group of techniques which he called 'techniques of self'. He defined 'government' as the interaction between structures of domination and the techniques people used to conduct themselves. The Christian practice of confession, he went on to show, may be distinguished from apparently similar Stoic practices of self-examination and moral accountancy by the way in which Christian confession involves the revelation of the truth

Numéro de page de
la version papier

end p.64

about oneself cannot be dissociated from the obligation to renounce oneself'. ³ The argument of these late lectures thus locks neatly into the historical thesis of *Discipline and Punish* in which Foucault had earlier traced an unbroken line from the twelfth-century Church's establishment of confessional and inquisitorial techniques of juridical investigation through the early modern arrogation of such techniques to the power of the sovereign state, to the modern disciplinary effects of humanistic discourse. ⁴ Summarizing the thesis, he wrote: 'To declare aloud and intelligibly the truth about oneself—I mean, to confess—has in the Western world been considered for a long time either a condition for redemption of one's sins or as an essential item in the condemnation of the guilty.' ⁵ Recent law-and-literature work has taken up, whether explicitly or not, the thinking behind this aphorism. Matthew Senior's *In the Grip of Minos: Confessional Discourse in Dante, Corneille, and Racine* (1994) is an authoritative study of literary form and confessional culture both before and after the Council of Trent, but is decidedly less convincing on *Hamlet* than on *Phèdre*. ⁶ Peter Brooks's stimulating *Troubling Confessions: Speaking Guilt in Law and Literature* (2000) likewise does not distinguish between European and Anglo-American legal systems, tracing a direct path from the provisions of the Fourth Lateran Council in 1215 to police interrogation in contemporary America. Brooks explicitly wants to link 'the image of the penitent with the priest' with 'the criminal suspect locked in the interrogation room'. ⁷ While there are many contexts in which the similarities between legal and theological confession are more important than their differences, I will argue in this chapter that our understanding of specific developments in dramatic narrative in Reformation England by the Foucauldian genealogy. Foucault's model, as I will show, assumes that the criminal law must, in the early modern period, take over the Church's 'techniques of the self' as well as the Church's 'techniques of domination'; it takes over, that is to say, the Church's penitential jurisdiction as well as secularizing the anathematic rituals by which it expels heresy. There is no doubt that the extent: the official dismemberment of the bodies of those convicted for treason, much quoted

end p.65

Liens à la bibliographie pour
les références citées

doi:10.1093/acprof:oso/9780199212439.003.0003

Numéros de doi pour
liens pérennes et
citationsgo to page GO ◀ previous | next ▶

Navigation facile

Quick Search

- ☐ search entire site
☐ search this title only

Search

► Advanced Search

► Cross-Reference

► Bibliography Search

Contents

Full Book Contents

Introduction

1 From Penitence to Evidence: Drama and the Legal Reformation

2 Rethinking Foucault: The Juridical Epistemology of English Renaissance Drama

3 Judicial Narrative and Dramatic Mimesis

► Citation Export

View other titles in:

► Shakespeare Studies

► Printer Friendly

SUBSCRIBER

Oxford University Press - Main Acct

OXFORD
UNIVERSITY PRESS

► Access Rights

◀ Back to Search Results

Home > Subject index > Literature > Table of contents

Subject: Literature Book Title: The Invention of Suspicion > pp. [373]

Printer Friendly

Bibliographie

go to page GO previous next

Sachs, Leslie Raymond, *Thomas Cranmer's 'Reformatio Legum Ecclesiasticarum' of 1553 in the Context of English Church Law from the Later Middle Ages to the Canons of 1603*. Washington: Catholic University of America Press, 1982. [Find It!](#)

Sacks, David Harris, 'The Promise and the Contract in Early Modern England: *Slade's Case* (1602) in Perspective'. In *Rhetoric and Law in Early Modern Europe*, ed. Victoria Kahn and Lorna Hutson, 28-53. New Haven and London: Yale University Press, 2001. [Find It!](#)

Salamon, Linda Bradley, 'A Face in *The Glasse*: Gascoigne's *Glasse of Government* Re-examined', *Studies in Philology*, 71 (1974), 47-71. [Find It!](#)

Salinger, Leo, *Shakespeare and the Traditions of Comedy*. Cambridge: Cambridge University Press, 1974. [Find It!](#)

Sanders, Norman, Richard Southern, T. W. Craik, and Lois Potter, eds., *The Revels History of Drama in English*, ii: 1500-1576. London and New York: Methuen, 1980. [Find It!](#)

Saunders, Claire, ' "Dead in his Bed": Shakespeare's Staging of the Death of the Duke of Gloucester in 2 *Henry VI* ', *Review of English Studies*, n.s. 35 (1984), 19-34. [Find It!](#)

Scafuro, Adele C., *The Forensic Stage: Settling Disputes in Graeco-Roman New Comedy*. Cambridge: Cambridge University Press, 1997. [Find It!](#)

Schoeck, Richard, 'The Strategies of Rhetoric in St German's *Doctor and Student*'. In *The Political Context of Law: Proceedings of the Seventh British Legal History Conference, Canterbury 1985*, ed. Richard Eales and David Sullivan, 77-86. London: Hambledon, 1987. [Find It!](#)

Schott, Holger, 'The Trials of Orality in Early Modern England' (Ph.D. dissertation, Harvard, 2004). [Find It!](#)

Senior, Matthew, *In The Grip of Minos: Confessional Discourse in Dante, Corneille, and Racine*. Columbus, OH: Ohio State University Press, 1994. [Find It!](#)

Shagan, Ethan H., *Popular Politics and the English Reformation*. Cambridge: Cambridge University Press, 2003. [Find It!](#)

Shapiro, Barbara, 'Beyond Reasonable Doubt' and 'Probable Cause': *Historical Perspectives on the Anglo-American Law of Evidence*. Berkeley: University of California Press, 1991. [Find It!](#)

— 'Classical Rhetoric and the English Law of Evidence'. In *Rhetoric and Law in Early Modern Europe*, ed. Victoria Kahn and Lorna Hutson, 54-72. New Haven: Yale University Press, 2001. [Find It!](#)

— *A Culture of Fact: England, 1550-1720*. Ithaca, NY, and London: Cornell University Press, 2000. [Find It!](#)

— *Probability and Certainty in Seventeenth-Century England: A Study of the Relationships between Natural Science, Religion, History, Law, and Literature*. Princeton: Princeton University Press, 1983. [Find It!](#)

Shapiro, James, ' "Tragedies naturally performed": Kyd's Representation of Violence'. In *Staging the Renaissance: Representations of Elizabethan and Jacobean Drama*, ed. Davis Scott Kastan and Peter Sallibrass, 99-113. New York and London: Routledge, 1991. [Find It!](#)

- ☒ search entire site
☐ search this title only

[▶ Advanced Search](#)
[Cross-Reference](#)
[▶ Bibliography Search](#)

Contents

Introduction

1 From Penitence to
Evidence: Drama and the
Legal Reformation

2 Rethinking Foucault: The
Juridical Epistemology of
English Renaissance
Drama

3 Judicial Narrative and
Dramatic Mimesis

4 From Intrigue to

[Citation Export](#)

View other titles in:

▶ [Shakespeare Studies](#)

[Printer Friendly](#)

SUBSCRIBER

Oxford University Press -
Main Acct

OXFORD
UNIVERSITY PRESS

▶ [Access Rights](#)

◀ [Back to Search Results](#)

 [Printer Friendly](#)

Recherche croisée dans l'intégralité des modules thématiques

go to page

◀ [previous](#) | [next](#) ▶

renounced the heretical doctrines of which he was accused, and next, at the bishop's discretion, to perform penance.' ¹⁵⁴ It is clear that, under these conditions, there is no possibility of a suspect of heresy emerging innocent. For if purgation amounts to a penance which signifies the abjuration of suspected heretical beliefs, then the very instrument of proof has become the mark of guilt before the law and within the community. In the strictest legal sense, too, the assimilation of purgation to penance and abjuration turned mere suspicion into first-time conviction. A first-time offender, found guilty of heresy, was not usually sentenced to be burnt, but More's suspect is already being treated as a convict, and would therefore be liable to be burnt if prosecuted for heresy again. ¹⁵⁵

The difference between More's and St German's positions corresponds to the degree to which the former sees the judge as God's proxy, best equipped by his training in Roman canon presumptions and proofs to assess the likelihood of guilt in the absence of publicly acknowledged testimony, while the latter sees both the witnesses' and the suspect's public accountability, institutionalized in the inquest or jury procedure, as the common law's safeguard against the inadequacy of human law to judge of hidden matters. Judges of the King's Bench, as Baker has written, 'tended to avoid becoming too involved with the variable facts of particular cases; that was a task for the jury'. ¹⁵⁶ More had tried to urge the judges to behave more like ecclesiastical or civil law judges, using 'their own discretions' to mitigate the rigour of the common law. He blamed his lack of success in this on the judges' perception that 'they may by the verdict of the jury cast off all quarrels from them selves'. ¹⁵⁷ More may justly do penance 'though he be not proved gylty of'. ¹⁵⁸ The or ecclesiastical judge has considered 'the qualytees of'. ¹⁵⁹ The elaborate Roman canon learning of presumptions, *indicia*

Sélectionnez n'importe quel(s)
mot(s) dans le texte et cliquez 'Cross-
Reference' pour effectuer une recherche
croisée sur tous les modules

faith in the untrained jury's verdict, emerges obliquely yet tellingly from another point of disagreement between himself and St German over the consistory court's admission of the testimony of perjured witnesses against suspected heretics.

St German objected, in his *Division*, to the witness who was admitted to be sworn again 'contrarye to his fyrst othe' in the same court. More, speaking the Roman canon evidential language of presumptions and considerations, offers to prove to St German that there may be instances, even in felony trials, where the jury is prepared to believe the witness swearing, contrary to his first oath, that the accused is guilty after all. His argument here is intriguing for a number of reasons, not least because it seems to show, contrary to the belief of many historians, that juries did hear evidence at the bar in the first decades of the sixteenth century, and that witnesses testifying for the defence might speak on oath. More seems, at first, to be crediting his hypothetical jurors with a judge-like capacity to deliberate on the probabilities of guilt and innocence by weighing one presumption against another ('presumptions' were not really items of proof, but they aided probability by enabling the canon or civil law judge to assume a general truth for the purposes of investigative inquiry into the circumstances ¹⁵⁹). He acknowledges that the 'cause wherfore a person ones perjured is repelled from beryng wytnesse agayn, is bycause the lawe presumeth that he setteth not so much by an othe, but that his oth notwithstanding he were likely inough to lye'. ¹⁶⁰ This presumption, however, may in some cases be 'countrepaysed' by a contrary presumption, that will, equitably, be 'for that case an excepcyon out of the generall rule'. ¹⁶¹ For example, continues More, it also is a presumption of law that no man will cast away his soul to do hurt to his own body or friend's. If this presumption is admitted, then 'the presumpcyon of hys trowth in his fyrst oth, is taken away by the secunde', because the first risks perjury to preserve his own body or that of his friend, whereas in the second 'yf he were forsworn, it were to theyr bothe harme'. ¹⁶² It could, of course, be objected that if this argument were admitted, witness testimony sworn in defence of the accused's innocence would always be presumed false, but that is not actually the most interesting feature of More's manoeuvring here. For what is most striking about his example is the way in which it attributes a discretionary, even equitable capacity to the jury (since More is maintaining the validity of this example for felony trials). However,

Oxford Scholarship Online: OSO Search Results - Mozilla Firefox

File Edit View History Bookmarks Tools Help

OSO http://www.oxfordscholarship.com/search/results/1

close window

Cross-Reference Search Results

Results: Searched all subjects with free text **St German**, 3 books found , 3 chapters found

Page: 1 Result Page 1 of 1

Sort by: ☒ relevance ☐ title ☐ author ☐ publication date

1. **The Invention of Suspicion - Law and Mimesis in Shakespeare and Renaissance Drama**
Hutson, Lorna
Subject: Literature, 2007
1. From Penitence to Evidence: Drama and the Legal Reformation
ABSTRACT FULL TEXT

2. **The Price of Assimilation - Felix Mendelssohn and the Nineteenth-Century Anti-Semitic Tradition**
Sposato, Jeffrey S.
Subject: Music, 2005
ABSTRACT FULL TEXT

3. **The Price of Assimilation - Felix Mendelssohn and the Nineteenth-Century Anti-Semitic Tradition**
Sposato, Jeffrey S.
Subject: Music, 2005
4. Paulus
ABSTRACT FULL TEXT

4. **A History of Philosophy in America - 1720-2000**
Kuklick, Bruce
Subject: Philosophy, 2003
5. Innovative Amateurs, 1829-1867
ABSTRACT FULL TEXT

Page: 1 Result Page 1 of 1

Done

Les resultats de la recherche croisée s'affichent dans une nouvelle fenêtre

can Medical Association Manual of Style

Twiki Mail Excel tips Initiatives & Standards

go to page GO previous next

ance.' 154 It is clear that, under these
ce which signifies the abjuration of
within the community. In the strictest legal
on. A first-time offender, found guilty of
ould therefore be liable to be burnt if

he judge as God's proxy, best equipped by
acknowledged testimony, while the latter
re, as the common law's safeguard against
ded to avoid becoming too involved with the
more like ecclesiastical or civil law judges,
he judges' perception that 'they may by the
tion that in some instance a heresy suspect
ement of the ordinary', once the ordinary
in the discretion of the judge trained in the
prensic oratory, and his corresponding lack of

end p.61

himself and St German over the consistory

the' in the same court. More, speaking the
may be instances, even in felony trials, where
l. His argument here is intriguing for a
hear evidence at the bar in the first decades
, to be crediting his hypothetical jurors with
st another ('presumptions' were not really
the purposes of investigative inquiry into the
wytnesse agayn, is bycause the lawe
e'. 160 This presumption, however, may in
ut of the generall rule'. 161 For example,
friend's. If this presumption is admitted,
ry to preserve his own body or that of his
bjected that if this argument were admitted,

witness testimony sworn in defence of the accused's innocence would always be presumed false, but that is not actually the most interesting feature of More's manoeuvring here. For what is most striking about his example is the way in which it attributes a discretionary, even equitable capacity to the jury (since More is maintaining the validity of this example for felony trials). However,

Quick Search

- ☒ search entire site
☐ search this title only

Search

▶ Advanced Search

▶ Cross-Reference

▶ Bibliography Search

Contents

Full Book Contents

Introduction

1 From Penitence to Evidence: Drama and the Legal Reformation

2 Rethinking Foucault: The Juridical Epistemology of English Renaissance Drama

3 Judicial Narrative and Dramatic Mimesis

▶ Citation Export

View other titles in:

▶ Shakespeare Studies

▶ Printer Friendly

SUBSCRIBER

Oxford University Press - Main Acctnt

OXFORD
UNIVERSITY PRESS

▶ Access Rights

◀ Back to Search Results

Printer Friendly

go to page

GO

◀ previous | next ▶

Bibliography

Manuscripts

BL Add. MS 46, 500

Bodleian MS Eng. Misc. e. 479

Bodleian MS Rawl. C. 642 (37)

Folger MS V. a. 485

Folger MS V. b. 9

PRO ASSI 45/15

PRO ASSI 45/16

PRO PL 27/1

Primary Sources

Aeschylus, *Oresteia*, trans. Hugh Lloyd-Jones. London: Duckworth, 1982. [Find It!](#)

Anselm of Canterbury, *Cur Deus Homo? (Why Did God become Man?)*, trans. Camilla McNab. In *Anselm of Canterbury: The Major Works*, ed. Brian Davies and G. R. Evans. Oxford: World's Classics, 1998. [Find It!](#)

Aphthonii Sophistae Progymnasmata . . . cum . . . scholijs Reinhardi Lorichi Hadamari. London: Thomas Marsh, 1583. [Find It!](#)

Aquinas, St Thomas, *The Treatise on Law (Being Summa Theologica, I-11, 90 through 97)*, ed. and trans. R. J. Heale, SJ. Notre Dame, IN: University of Notre Dame Press, 1993. [Find It!](#)

Ariosto, Ludovico, *Le Comedie*, ed. Angela Casella, Gabriella Ronchi, and Elena Varasi. Vol. iv of *Tutte le Opere Di Ludovico Ariosto*. Milan: Mondadori, 1974. [Find It!](#)

— *The Comedies of Ariosto*, trans. and ed. Edmond M. Beame and Leonard G. Sbrocchi. Chicago: University of Chicago Press, 1975. [Find It!](#)

Aristotle, *The Poetics of Aristotle: Translation and Commentary*, by Stephen Halliwell. London: Duckworth, 1987. [Find It!](#)

— *The Poetics*. In *Aristotle in Twenty-Three Volumes*, xxiii, trans. W. Hamilton Fyfe. Cambridge, MA: Harvard University Press, 1927. [Find It!](#)

— *The 'Art' of Rhetoric*. In *Aristotle in Twenty-Three Volumes*, xxii, trans. J. H. Freese. Cambridge, MA: Harvard University Press, 1926. [Find It!](#)

— *The Art of Rhetoric*, trans. J. H. Freese. Cambridge, MA: Harvard University Press, 1926. [Find It!](#)

La bibliographie est liée au catalogue de la bibliothèque, et éventuellement aux périodiques en ligne

Quick Search

Search

► Advanced Search

Subject Home Pages

Biology
Business and Management
Classical Studies
Economics and Finance
History
Law
Linguistics
Literature
Mathematics
Music
Philosophy
Physics
Political Science
Psychology
Religion
Social Work

Printer Friendly

SUBSCRIBER

Oxford University Press
- Main Acctnt

OXFORD
UNIVERSITY PRESS

► Access Rights

Home > Guided Tour

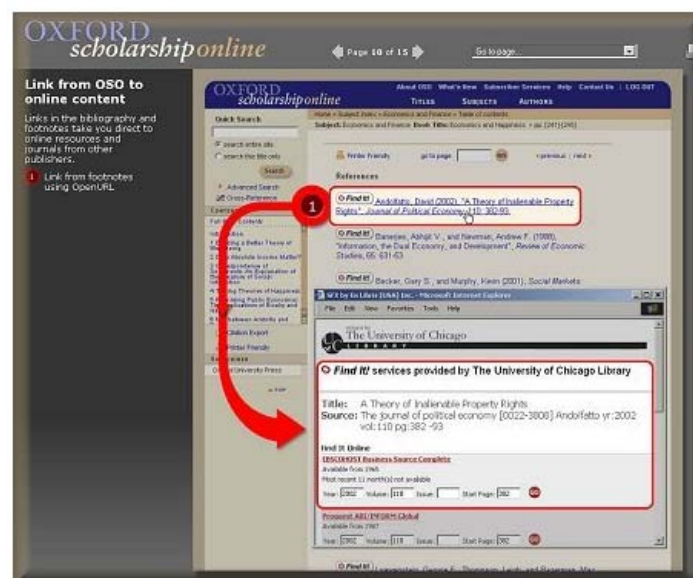
Oxford Scholarship Online Tutorial

View the Tutorial for Oxford Scholarship Online

Welcome to the new online tutorial for Oxford Scholarship Online. This tutorial guides you through the main features and functionality of the service as well providing a way of showing the benefits of Oxford Scholarship Online to others.

The tutorial runs in a new browser window.

► Click here to start the Oxford Scholarship Online Tutorial (HTML)



Instructions en ligne (accessibles à partir de la page principale):

http://www.oxfordscholarship.com/oso/public/tour/tour_start.html



Religion

Economics
Finance

Political Science
Philosophy

Oxford
Scholarship
Online

www.oxfordscholarship.com